



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 03/10/2005
PAGE: 1 of 1

SUBJECT: C14-05-0002 - Quick Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9420 Cullen Lane (Slaughter Creek Watershed) from rural residence (RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Jerry Quick. Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0002

Z.P.C. DATE: February 15, 2005

ADDRESS: 9420 Cullen Lane

OWNER: Jerry Quick

AGENT: Armbrust & Brown, L.L.P.
(Richard T. Suttle, Jr.)

ZONING FROM: RR

TO: GR-CO

AREA: 13.906 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial (GR-CO) combining district zoning, with conditions. The Conditional Overlay prohibits the following uses: bail bond services; exterminating services; pawn shop services and residential treatment.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated March 2, 2005, as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

February 15, 2005: *APPROVED STAFF'S RECOMMENDATION OF GR-CO DISTRICT ZONING WITH CONDITIONS. AS OFFERED BY THE APPLICANT, GUIDANCE SERVICES ARE PROHIBITED AND THE FOLLOWING AUTO-RELATED USES ARE CONDITIONAL: AUTO WASHING OF ANY TYPE, AUTO SALES, AUTO REPAIR AND AUTO RENTAL. [J. MARTINEZ - 1ST; J. GOHIL - 2ND] (8-0) K. JACKSON - ABSENT*

ISSUES:

The Park Ridge Homeowners' Association has not taken a position for or against the rezoning request, as indicated by letter attached towards the back of the staff packet.

DEPARTMENT COMMENTS:

The subject rezoning area is presently used for agricultural purposes, takes access to Cullen and Turk Lanes, and is zoned rural residence (RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane along the IH-35 frontage road and extending south to FM 1626 (zoned GR-CO - Wal-Mart, South Park Meadows and CS-CO - Janssen Tract, Harrell Ranch Tracts 1B, 4 and 5, and Double Creek Village). Please refer to Exhibit A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The applicant proposes to zone the property to the community commercial - conditional overlay (GR-CO) combining district. The proposed development on the subject property consists of 160,000 square feet of shopping center space and 10,000 square feet of high turnover (general) restaurant, and is intended to be developed in a unified manner with properties to the north ("Slaughter at Cullen Commercial" and south ("Southpark Meadows"). As shown in the conceptual site plan provided in Exhibit B, there are two driveways to Cullen Lane for the subject property, with additional access points through the adjacent properties to the north out to Slaughter Lane and to Southpark Meadows which accesses the IH-35 frontage road. The applicant has offered to prohibit several uses and these have been incorporated into the staff recommendation.

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of two collector roads, which are being upgraded and thus suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR	Agricultural
<i>North</i>	GR-CO; SF-2	Undeveloped; Fast food restaurant
<i>South</i>	GR-CO	Vacant outdoor concert venue (approved for discount club, shopping center space; high turnover restaurant, and two fast food restaurants with drive-through services)
<i>East</i>	GR-CO	Dental office; Pet services; Discount superstore and retail center under construction
<i>West</i>	LO-CO	Undeveloped

AREA STUDY: N / A

TIA: Is required – please refer to Attachment A

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
 242 – Slaughter Lane Neighborhood Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 627 – Onion Creek Homeowners Association
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0204 (Northeast corner of -35 and Brandt Road - City-initiated)	Unzoned to GR	To Grant GR-CO for Tract 1; GO-CO for Tract 2; CO is for prohibited uses and limits driveways to one on Brandt Road	Approved GR-CO and GO-CO as ZAP recommended with additional prohibited uses of commercial off-street parking and off-site accessory parking on

			the GR-CO tract (2-17-05).
C14-04-0203 (Twin Liquors at Slaughter)	GR-CO to CS-1	To Grant CS-1	Approved CS-1 (2-10-05).
C14-04-0124 (Harrell Tract #1)	I-RR to GR-MU for Tract 1A; CS-CO for Tract 1B	To Grant GR-MU-CO for Tract 1A, CS-CO for Tract 1B with conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved GR-MU-CO for Tract 1A and CS-CO for Tract 1B, with CO for prohibited uses and with conditions, as ZAP recommended (12-2-04)
C14-04-0126 (Harrell Tract #4)	I-RR to CS-CO	To Grant CS-CO with conditions of the TIA and establishing a minimum square footage for restaurant uses.	Approved CS-CO with CO for prohibited uses and with conditions, as ZAP recommended (12-2-04)
C14-04-0104 (Parkside at Slaughter Creek, Section 1, Block A, Lot 19)	I-RR to GR	To Grant GR-CO	Approved GR-CO with prohibited uses: auto rentals; auto repair services; auto sales; auto washing; commercial off-street parking; drop-off recycling collection facility; exterminating services; hotel-motel; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; service station; congregate living; and residential treatment, as offered by the applicant. Restrictive Covenant for the TIA (11-4-04).
C14-04-0103 (Parkside at Slaughter Lot 127, Block C)	I-RR to GR	To Grant GR-CO	Approved GR-CO with CO for a list of prohibited uses and 2,000 trips (9-2-04).
C14-04-0094 (Janssen Tract)	CS-CO to CS	To Grant CS-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR	To Grant GR-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as

			recommended by ZAP (10-21-04).
C14-99-0129 (RCT) (Southpark Meadows)	Terminate the Restrictive Covenant pertaining to a rollback to LO zoning	To Grant the Restrictive Covenant Termination	Approved the Restrictive Covenant Termination (10-21-04).
C14-04-0059 (Harrell / Gatton)	I-RR to CS-CO	Approved CS-CO district zoning with CO for list of prohibited and conditional uses. Restrictive Covenant for the Traffic Impact Analysis.	Scheduled for CC meeting of 3-10-05.
C14-03-0066 (Wal-mart: IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials (10-30-03).

RELATED CASES:

The rezoning area coincides with Lots 12, 14 and 16 of Tom F. Dunahoo Subdivision, which was recorded in August 1941.

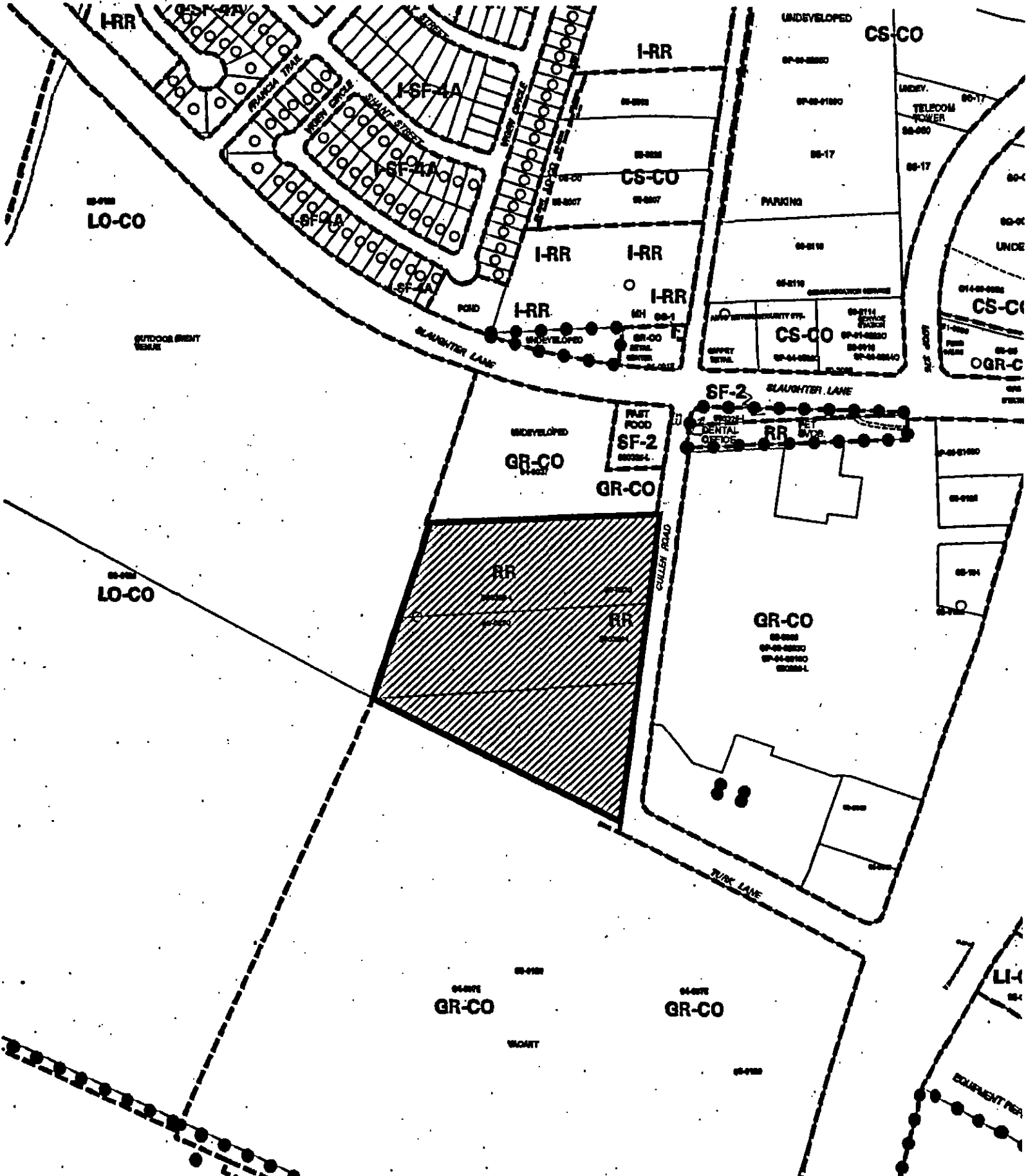
The subject property was annexed into the City limits on December 31, 1997. There are no related site plan cases on the subject property.





ABUTTING STREETS:

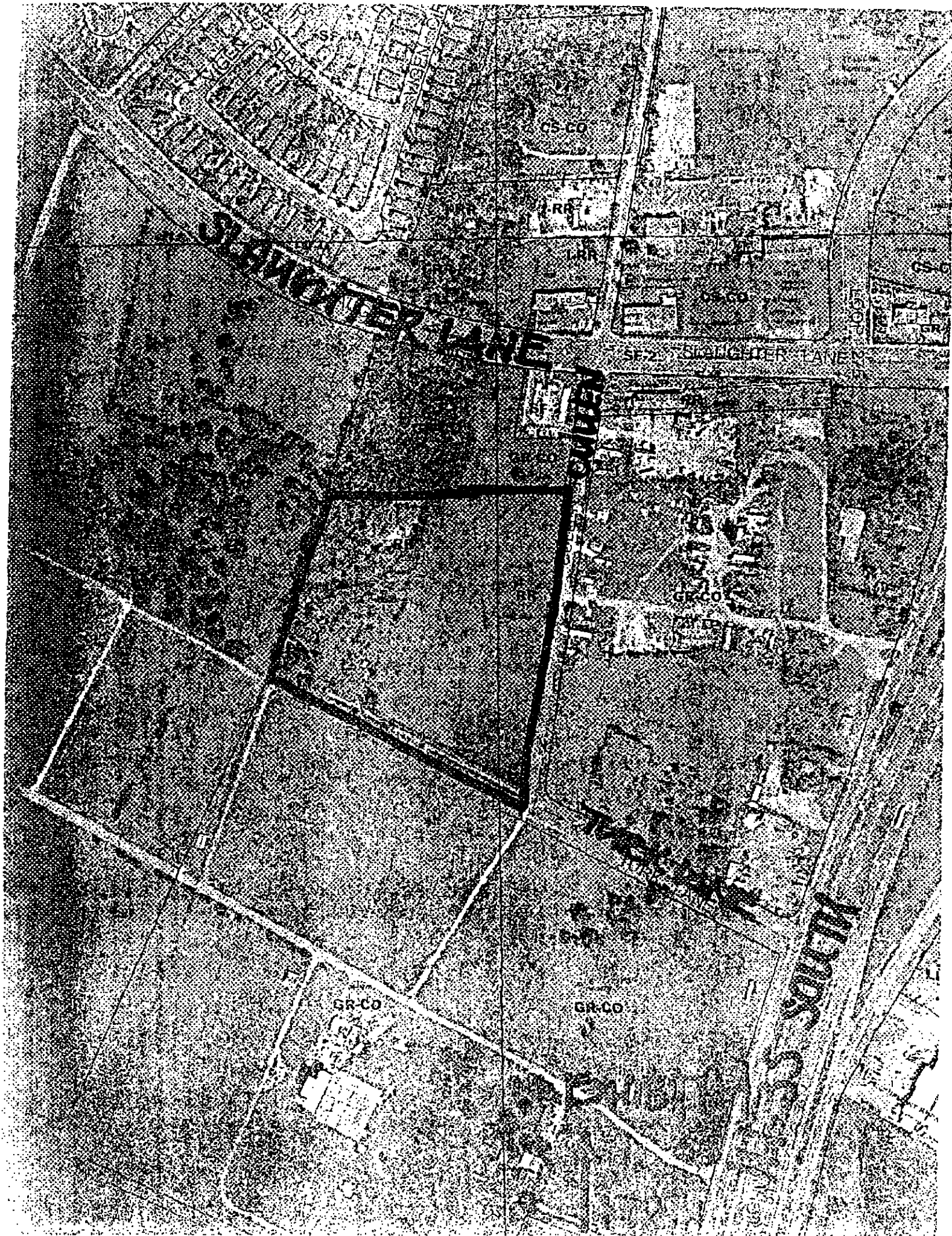
STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Cullen Lane	50 feet	20 feet	Collector, currently being upgraded	434
Turk Lane	50 feet	20 feet	Collector, 2 lanes, currently being upgraded	138

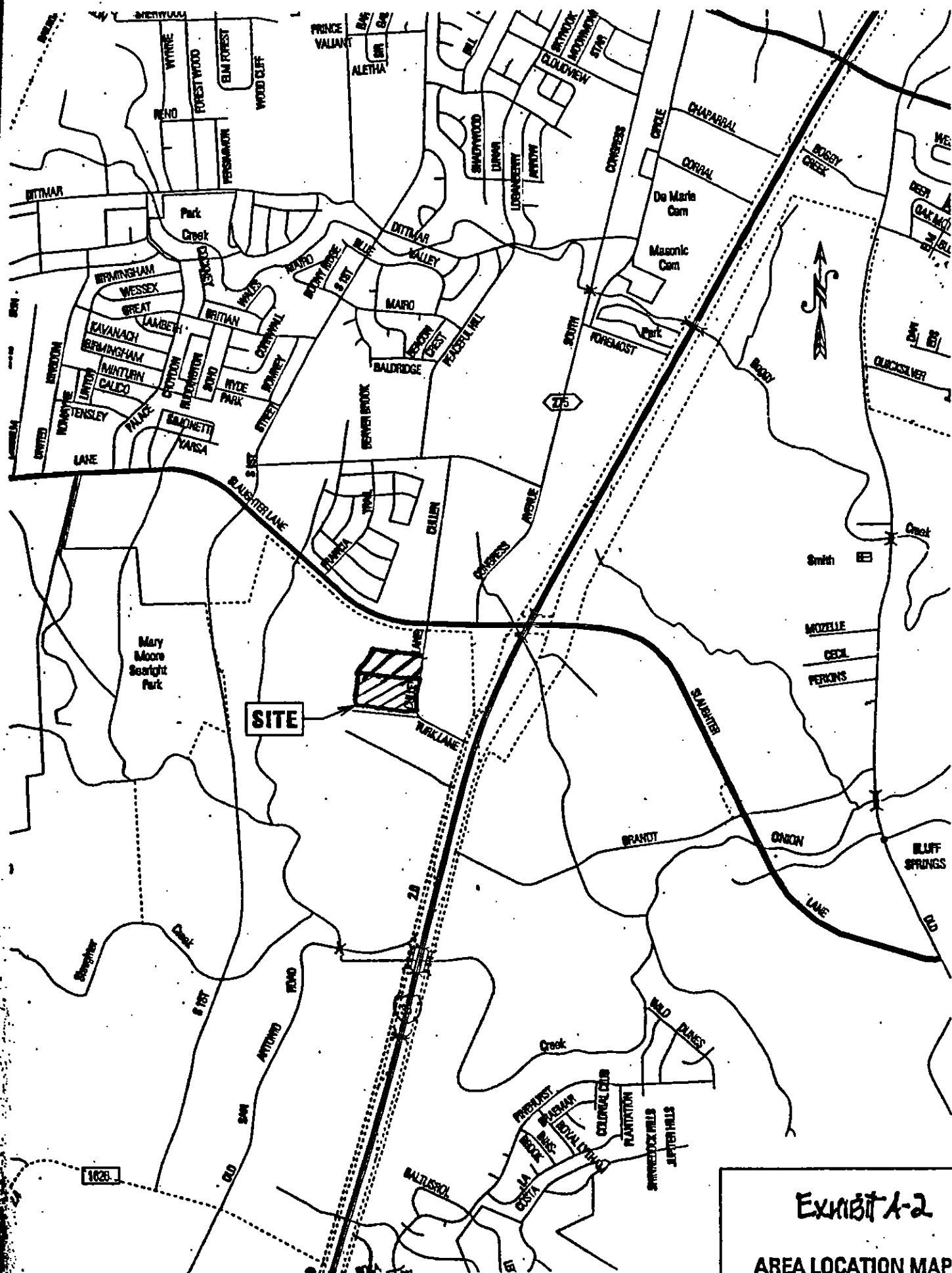
- The site is not served by Capital Metro bus service.
- Cullen Road and Turk Lane do not have existing sidewalks.
- Cullen Lane is a Priority One Routes in the Austin Bicycle Plan.

CITY COUNCIL DATE: March 10, 2005**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



 1"=400'	SUBJECT TRACT 	ZONING <i>Exhibit A</i>	CITY GRID REFERENCE NUMBER F13	
	PENDING CASE 			CASE #: C14-05-0002
	ZONING BOUNDARY 			ADDRESS: 8420 CULLEN LANE
	CASE MGR: W. WALSH			SUBJECT AREA (acres): 13.806
		DATE: 05-01		
		INTLS: 6M		





NORTH

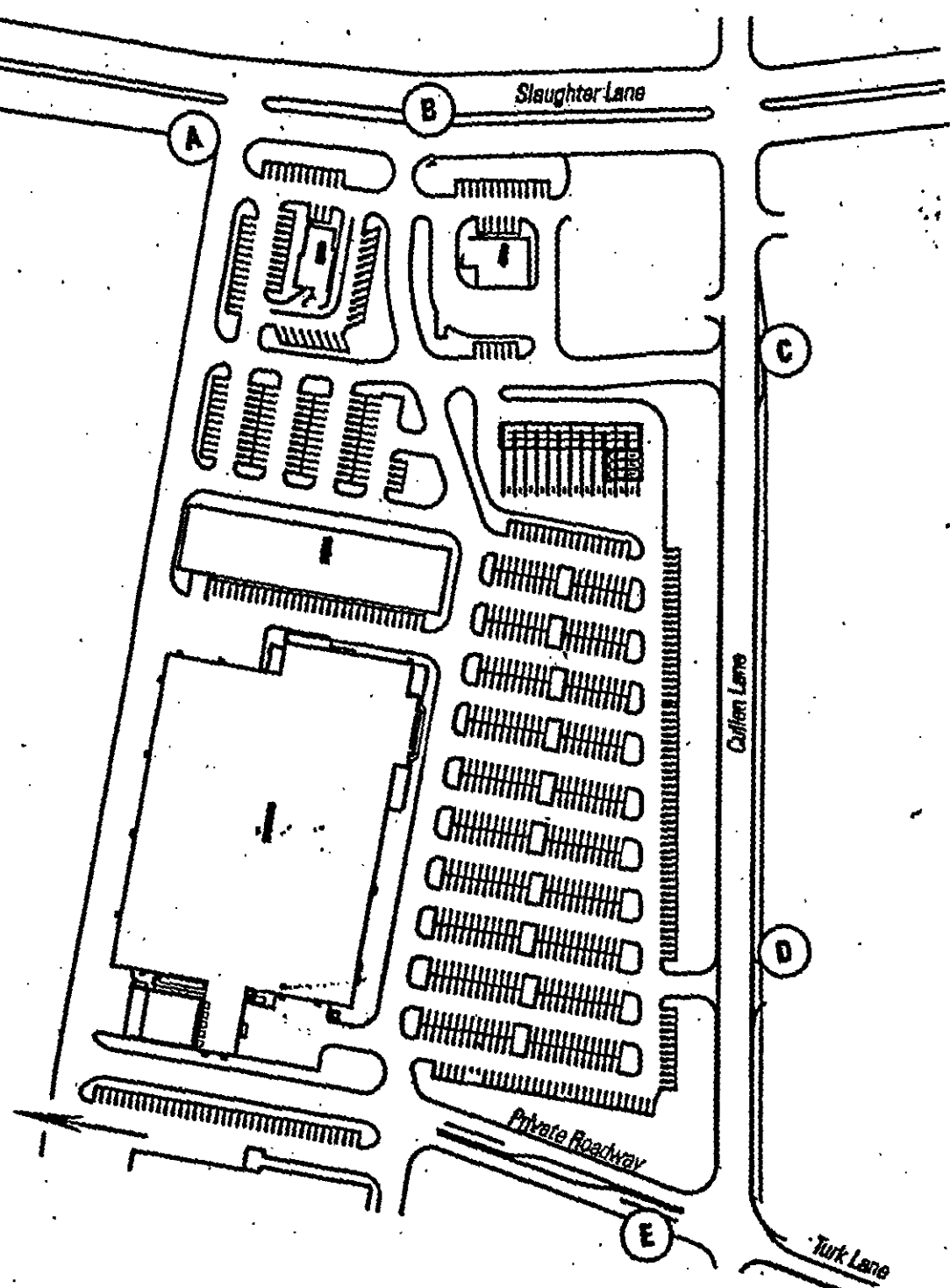


EXHIBIT B
CONCEPTUAL
SITE PLAN



Date: March 2, 2005
To: Wendy Walsh, Case Manager
CC: Lynn Ann Carley, P.E. WHM Transportation Engineering
Reference: Quick Tract TIA, C14-05-0002

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Quick Tract TIA, dated December, 2004, prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

The Quick Tract is a 13.906-acre development located in south Austin at the northwest corner of Cullen Lane and Turk Lane.

The property is currently undeveloped and zoned Rural Residence (RR). The applicant has requested a zoning change to community Commercial (GR). The estimated completion of the project is expected in the year 2006.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 10,490 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Shopping Center	160,000sf	5,475	75	48	244	264
High Turnover Restaurant	10,000	653	31	28	34	22
Total		6,128	106	76	278	286

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	3%

2. In addition to these growth rates, background traffic volumes for 2003 included estimated traffic volumes for the following projects:

Double Creek Village	C14-03-0053
Double Creek	C14-04-0018, C14-04-0019, C14-04-0020
166 W Slaughter	C14-04-0036
Slaughter at Cullen Commercial	C14-04-0037
Tobin Tract	C14-03-0186

Attachment A

Slaughter Lane at South I-35	C14-03-0066/SP-03-0283C
Rhodes Congress Ave LTD	SP-03-0198C
Stone Creek Ranch Apartments	SP-02-0158C.SH; SP-01-0527D
Capital View Estates	SP-01-0354D
Fairfield at Slaughter	SP-01-0044C
Parkside at Slaughter Lane	C8J-02-0198
Brandt Road Industrial Park	C8J-03-0046
Slaughter Lane Commercial Park	C8-01-0074.0A
South Park Meadows Tract 1	C14-04-0075
Janssen Tract	C14-04-0094
Euers	C14-04-0167

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By and Internal Capture Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Shopping Center	34%	34%
High Turnover Restaurant	43%	43%

4. A 10% reduction was taken for internal capture.

5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

Slaughter Lane – Slaughter Lane is located north of the property. This roadway is classified as a six-lane divided major arterial between Manchaca Road and IH 35. The 1997 traffic volumes on Slaughter Lane were approximately 27,560 and 30,210 vehicles per day (vpd), respectively, east and west of South 1st Street. Slaughter Lane is in the Bicycle Plan as a priority 1 route.

Cullen Lane – This roadway forms the eastern border of the site and is classified as a collector street. The existing traffic volume for Cullen Lane south of Slaughter is 434vpd. The eastern half of Cullen Lane is currently being upgraded with the adjacent project.

IH 35 – This roadway is classified as a six-lane freeway. The traffic volumes for year 2000 on IH 35 near Slaughter Lane were 115,000vpd. The Austin Metropolitan Area Transportation Plan classifies IH 35 as an eight-lane freeway with HOV lanes between William Cannon Drive and Slaughter Lane and as an eight-lane freeway between Slaughter Lane and FM 1626 in 2025. The southbound exit ramp south of Slaughter Lane near the intersection of Turk Lane will be extended by TXDOT. This roadway is in the Bicycle Plan as a priority 2 route.

Congress Avenue – This roadway is classified as a four-lane divided major arterial at its intersection with Slaughter Lane. Year 2000 traffic volumes for Congress Avenue between William Cannon and Slaughter were 4,800vpd.

South 1st Street – South 1st is located west of the site and is classified as a four-lane undivided minor arterial in the Roadway Plan. The traffic volume on South 1st Street north of Slaughter Lane was approximately 7,110vpd in 1997. This roadway is classified as a priority 2 route in the Bicycle Plan.

Turk Lane – Turk Lane is classified as a two-lane collector. West of IH 35, the existing traffic count is 138 vehicles per day. The northern half of Turk Lane is being upgraded with the adjacent project.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 12 intersections, 5 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all Improvements recommended in the TIA are built:

Table 4. Level of Service				
Intersection	2004 Existing		2006 Site + Forecasted	
	AM	PM	AM	PM
IH-35 EFR and Slaughter Lane*	F	E	F	F
IH-35 WFR and Slaughter Lane*	B	B	D	D
Congress Avenue and Slaughter Lane*	C	D	C	C
South 1 st Street and Slaughter Lane*	D	D	C	C
Cullen Road and Slaughter Lane	A	F	C	D
Francla Trail and Slaughter Lane	A	A	F	E
IH-35 WFR and Turk Lane	A	A	A	C
Driveway A and Slaughter Lane			F	F
Driveway B and Slaughter Lane			A	A
Driveway C and Cullen Lane			A	A
Driveway D and Cullen Lane			A	A
Driveway E/Turk Lane and Cullen Lane			A	D

* = SIGNALIZED

RECOMMENDATIONS

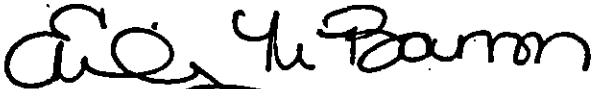
1) Prior to 3rd reading at City Council, fiscal is required to be posted for the following Improvements:

Intersection	Improvements	Total Cost	Pro Rata Share %	Pro Rata Share \$
Slaughter Ln. and Congress Ave	Lengthen EB left turn bay	\$27,979	4.8%	\$1,332
	Restripe SB approach to provide 2 left turn lanes and 1 through/right	\$23,715	4.4%	\$10,044
Slaughter Ln. and IH-35	NB dual left turn lane	\$10,595	2.7%	\$287
	NB right turn lane	\$48,374	2.7%	\$1,312
	Restripe SB approach to provide 1 left and 1 left/through	\$4,287	1.8%	\$77
South 1 st Street and Slaughter Ln	Construct southbound left turn lane	\$38,365	3.9%	\$1,484
	Construct westbound right turn lane	\$70,861	4.0%	\$2,826
Cullen Road and Slaughter Ln.	Construct northbound right turn lane	\$37,394	11.8%	\$4,405
	Install a traffic signal	\$110,000	4.7%	\$5,195
	Construct eastbound right turn lane	\$58,148	2.7%	\$1,556
Total		\$429,719		\$19,518

*Warrants will be required to be met as per DPWT prior to installation of any signals
Fiscal estimates provided/sealed by Lynn Ann Carley, P.E. on February 8, 2005.

-
- 2) Half of Cullen Lane will be required to be upgraded along the property frontage at the time of subdivision construction or site plan.
 - 3) Based on the traffic impact at the intersections analyzed in this TIA staff recommends that the subject site work with adjacent properties in order to provide more connectivity between developments and public roadways in the area.
 - 4) Final approval from DPWT ~ Signals and TXDOT is required prior to 1st Reading.
 - 5) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial (GR-CO) combining district zoning, with conditions. The Conditional Overlay prohibits the following uses: bail bond services; exterminating services; pawn shop services and residential treatment.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated March 2, 2005, as provided in Attachment A.

BACKGROUND

The subject rezoning area is presently used for agricultural purposes, takes access to Cullen and Turk Lanes, and is zoned rural residence (RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane along the IH-35 frontage road and extending south to FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows and CS-CO – Janssen Tract, Harrell Ranch Tracts 1B, 4 and 5, and Double Creek Village).

The applicant proposes to zone the property to the community commercial – conditional overlay (GR-CO) combining district. The proposed development on the subject property consists of 160,000 square feet of shopping center space and 10,000 square feet of high turnover (general) restaurant, and is intended to be developed in a unified manner with properties to the north ("Slaughter at Cullen Commercial" and south ("Southpark Meadows"). There are two driveways to Cullen Lane for the subject property, with additional access points through the adjacent properties to the north out to Slaughter Lane and to Southpark Meadows which accesses the IH-35 frontage road. The applicant has offered to prohibit several uses and these have been incorporated into the staff recommendation.

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of two collector roads, which are being upgraded and thus suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The purpose statement per the City of Austin Land Development Code states: "The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways." The property has frontage on the southbound IH-35 frontage road and Turk Lane.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of two collector roads, which are being upgraded and thus suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process and have been approved for GR-CO or CS-CO

zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The property is presently used for agricultural purposes. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR-CO zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater tap permit.

Compatibility Standards

There are no compatibility issues with the surrounding uses or zoning.

Walsh, Wendy

From: Castle, Jessica [jcastle@endeavor-re.com]
Sent: Thursday, February 03, 2005 4:05 PM
To: Walsh, Wendy
Cc: Andy Pastor
Subject: Quick Tract - Prohibited Uses

Wendy,

Please prohibit the following Uses for the Quick Tract:

Adult-oriented businesses
Exterminating service
Residential treatment
Bail bond services
Pawn shop services

If you have any questions, please feel free to contact either myself or Andy.

Many thanks,

Jessica Castle
Administrative Assistant
Endeavor Real Estate Group
1209 West 5th Street, Suite 200
Austin, TX 78703
Voice: (512) 682-5529
Fax: (512) 682-5505
jcastle@endeavor-re.com
www.endeavor-re.com

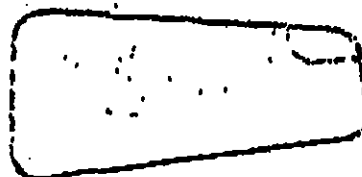
2/3/2005

PARK RIDGE HOMEOWNERS ASSOCIATION

Property Manager:
Liddard Management Company
12335 Lymeadow Drive, Suite 300
Austin, TX 78750
(512) 219-1927

Association President:
René Lara renelara@aol.com

Board Members:
Michael Boranek mboranek@austlii.com
J.D. Macías emjdm@yahoo.com



Dear ZAP Board Members:

The Park Ridge Homeowners' Association has not taken a position for or against the zoning application for the Harrell/Gatton and the Quick tracts. The Park Ridge HOA Board will take an official position in the next few weeks after notifying neighborhood residents of its recommendation regarding this zoning application.


Park Ridge HOA Board members met with representatives of Endeavor Real Estate on February 9, 2005. The board members agreed not to oppose Endeavor's proposed development south of the tract which is currently anchored by Walmart (corner of Slaughter and IH-35) in exchange for Endeavor's support of Park Ridge neighborhood's application for a traffic light at the exit of Francia onto Slaughter Lane. Endeavor representatives have also agreed to cooperate in good faith with Park Ridge neighborhood in the development of future tracts in the general vicinity of both parties in a manner that will not endanger, and perhaps even improve, neighborhood residents' home property values.

The Park Ridge neighborhood wishes to achieve the following long-term goals:

- (1) manage the explosion of traffic due to new development in a manner that maintains traffic safety and reduces major inconveniences for residents wishing to exit or enter their neighborhood
- (2) maintain and improve home property values
- (3) reduce noise and light pollution from new businesses and other developments

We request that the members of the Zoning and Platting Commission assist our neighborhood in meeting the goals set forth above.

Sincerely,


René Lara
President
Park Ridge HOA



7. **Rezoning:** C14-05-0002 - Quick Tract
Location: 9420 Cullen Lane, Slaughter Creek Watershed
Owner/Applicant: Jerry Quick
Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)
Request: RR to GR-CO
Staff Rec.: RECOMMENDED, WITH CONDITIONS
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

APPROVED STAFF'S RECOMMENDATION OF GR-CO DISTRICT ZONING WITH CONDITIONS. AS OFFERED BY THE APPLICANT, GUIDANCE SERVICES ARE PROHIBITED AND THE FOLLOWING AUTO-RELATED USES ARE CONDITIONAL: AUTO WASHING OF ANY TYPE, AUTO SALES, AUTO REPAIR AND AUTO RENTAL. [J.M; J.G 2ND] (8-0) K.J - ABSENT

8. **Rezoning:** C14-04-0211 - Onlon Creek RV
Location: 10815 Bradshaw Road, Rinard Creek Watershed
Owner/Applicant: Hector Aguirre
Agent: Jim Bennett Consulting (Jim Bennett)
Request: I-RR to LR
Staff Rec.: NOT RECOMMENDED; ALTERNATE RECOMMENDATION: LO-CO
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

**POSTPONED TO 04/05/05 (NEIGHBORHOOD)
 [J.M; J.G 2ND] (8-0) K.J - ABSENT**

9. **Rezoning:** C14-05-0009 - Brazos Zoning
Location: 11410 Manchaca Road, Slaughter Creek Watershed
Owner/Applicant: Ray Pickard
Agent: Crocker Consultants (Sarah Crocker)
Request: I-RR to GR
Staff Rec.: ALTERNATE RECOMMENDATION: LR-CO
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

**POSTPONED TO 03/01/05 (APPLICANT)
 [J.M; J.G 2ND] (8-0) K.J - ABSENT**

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9420 CULLEN LANE FROM RURAL RESIDENCE (RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from rural residence (RR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0002, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 12, 14, and 16, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 683, Page 1, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 9420 Cullen Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of the Property:

Bail bond services
Pawn shop services
Residential treatment

Exterminating services
Guidance services

2. The following uses are conditional uses of the Property:

Automotive rentals
Automotive sales

Automotive repair services
Automotive washing (of any type)

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

1
2 **PART 3.** This ordinance takes effect on _____, 2005.
3

4
5 **PASSED AND APPROVED**
6

7 §
8 §
9 §
10 _____, 2005

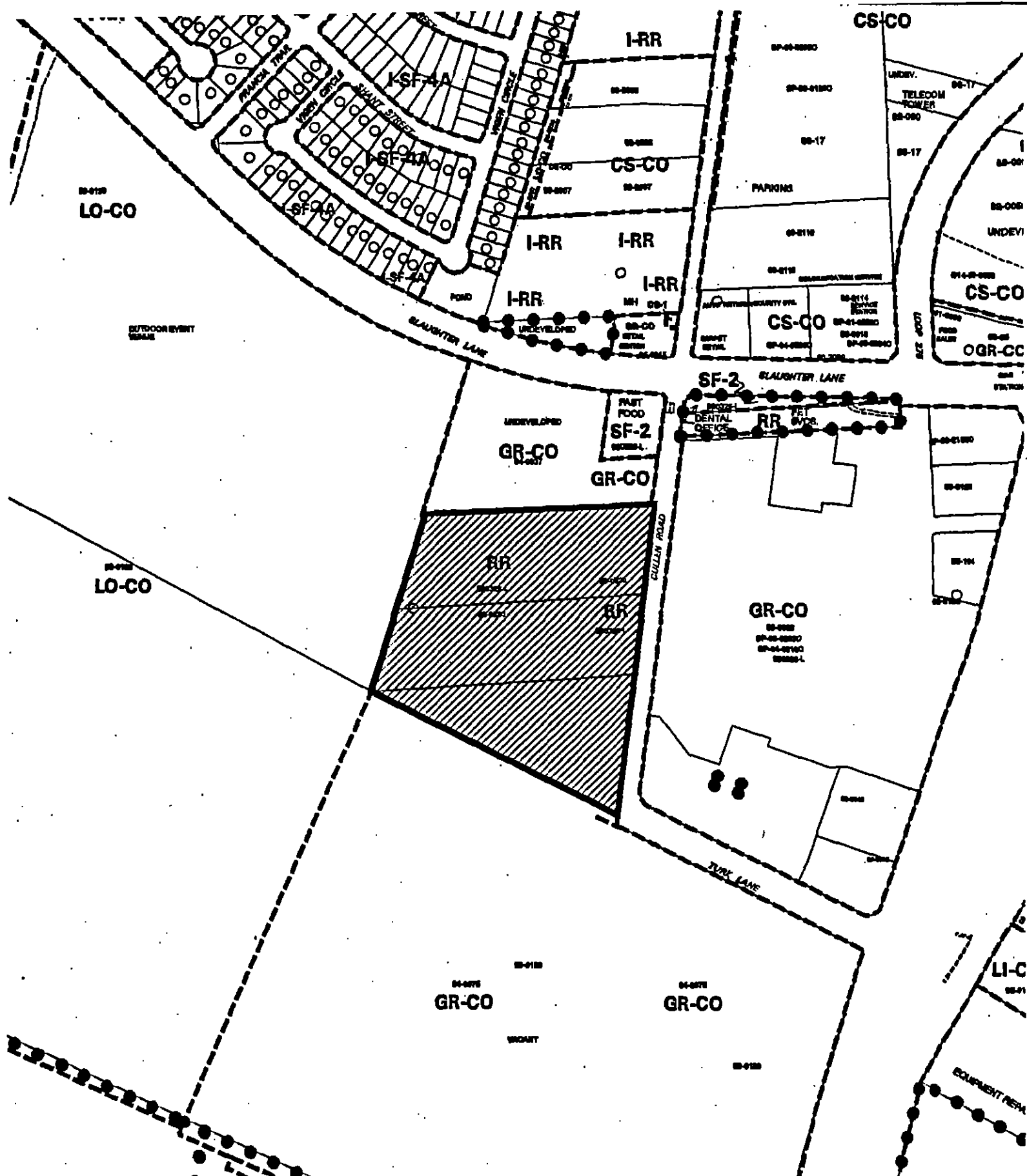
11 Will Wynn
12 Mayor





13
14 **APPROVED:** _____

15 David Allan Smith
16 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER F13
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0002	DATE: 05-01	
	CASE MGR: W. WALSH	ADDRESS: 9420 CULLEN LANE	INTLS: SM	
SUBJECT AREA (acres): 13.906				

RESTRICTIVE COVENANT

OWNER: Jerry L. Quick

ADDRESS: 505 West 15th Street, Austin, Texas 78701

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lots 12, 14, and 16, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, according to the map or plat of record in Plat Book 683, Page 1, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated December, 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 2, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

Jerry L. Quick

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2005 by Jerry L. Quick.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant